

REMARKS

In the Office Action, the Examiner noted that Claims 1-271 are pending in the application, of which Claims 1-271 are subject to restriction and/or election requirement.

By the present amendment Claims 272 and 273 have been added; Claims 1-3, 74-110, 112, 116-119, 121-133, 150-158, 170-237, 241, 244-253, and 272-273 are elected for further prosecution; and Claims 4-73, 111, 113-115, 120, 134-149, 159-169, 238-240, 242, 243, and 254-271 are withdrawn from consideration

Thus by the present amendment, Claims 1-273 are pending in the application, of which Claims 4-73, 111, 113-115, 120, 134-149, 159-169, 238-240, 242, 243, and 254-271 are withdrawn from consideration; and Claims 1-3, 74-110, 112, 116-119, 121-133, 150-158, 170-237, 241, 244-253, and 272-273 are under consideration.

Response to Arguments

In the Office Action Examiner required restriction to one of the following inventions, as required under 35 U.S.C. 121:

- I. Claims 1-7 and 10-271, drawn to luminal prosthesis, classified in class 623, subclass 1.42;
- II. Claims 8 and 9, drawn to method for treating vascular artery, classified in class 128, subclass 898.

The Examiner stated that the inventions I and II related as product and process of use, and that in the instant case, the product as claimed can be used in a materially different process of using that product.

As to Group I, in paragraph 4 of the Office Action the Examiner stated that the claimed invention of Group I has the following patentably distinct species:

Specie 1: figure 2A; Specie 2: figure 2B; Specie 3: figure 2C; specie 4: figure 2D; Specie 5: figure 2E; Specie 6: figure 2F; Specie 7: figure 2G; Specie 8: figure 2H; Specie 9: figure 2I; Specie 10: figure 2J; Specie 11: figure 2K; Specie 12: figure 2L; Specie 13: figure 2M; and Specie 14: figure 2N.

Examiner required the election of a single species for prosecution on the merit to which the claims would be restricted if no generic claim is finally held allowable, and indicated that currently no claims are generic.

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Pursuant to a telephone conversation with the Examiner on March 26, 2003, Applicants request re-examination and reconsideration of the Restriction Requirement. In particular, Applicants believe that withdrawn Claims 10-73 should be included in Group II as they are also drawn to a method for treating vascular artery.

In response to the restriction requirement and election of species, Applicants elect Group I species 4 with traverse; with Claims 1-3, 74-110, 112, 116-119, 121-133, 150-158, 170-237, 241, and 244-253 readable thereon.

Applicants respectfully submit that Claims 1, 74, 150, 241, and 244 are generic claims.

Additionally, Applicants have added new Claims 272-273 which also read on the elected Species 4 of Group I and request the examination thereof.

For the convenience of the Examiner, attached at the end of this document is a clean "Claims Appendix" of the current wording of all pending claims.

CONCLUSION

In view of the foregoing, Applicants submit that this application is now in condition for allowance. The issuance of a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-273-8317.

Respectfully submitted,



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